

1 KARIN G. PAGNANELLI (SBN 174763),
kgp@msk.com
2 MARC E. MAYER (SBN 190969),
mem@msk.com
3 MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
4 Los Angeles, California 90064-1683
Telephone: (310) 312-2000
5 Facsimile: (310) 312-3100

6 Attorneys for Plaintiffs,
Nexon America Inc. and Nexon Korea Corporation
7
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 NEXON AMERICA, INC., a Delaware
corporation, and NEXON KOREA
13 CORPORATION, a Korean corporation,

14 Plaintiffs,

15 v.

16 RYAN MICHAEL CORNWALL a/k/a
"Riu Kuzaki" and "Alexandria
17 Cornwall"; YANGYU ZHOU a/k/a
"Yang Yu," "W8baby," and
18 "Gamersoul"; DOUGLAS CRANE a/k/a
"DJ" and "Lonerboy"; WILLIAM
19 "BILLY" KEISTER a/k/a
"ThePhoneGuy"; AMARJOT GILL
20 a/k/a "Alphaamar"; DEREK OSGOOD
a/k/a "Jayce"; COLIN JOHNSON a/k/a
21 "Colin_"; LINDA LIU a/k/a
"linnyda942"; JEREMY SIMPSON;
22 V.H. a/k/a "Vince"; DOE 1 a/k/a
"Bizarro" and "Andrew," DOE 2 a/k/a
23 "Cam1596," and DOES 3 through 10,
inclusive,
24

25 Defendants.
26
27

CASE NO. 2:12-cv-00160-RSWL-FFM

Honorable Ronald S.W. Lew

**EX PARTE APPLICATION TO
CONTINUE RULE 16
SCHEDULING CONFERENCE BY
30 DAYS**

Current Date: May 2, 2012, 10:00 a.m.
Proposed Date: June 6, 2012, 10:00 a.m.

1 **EX PARTE APPLICATION**

2

3 By this *Ex Parte* Application, Plaintiffs Nexon America, Inc. and Nexon
4 Korea Corporation (collectively, “Nexon”) request a 30-day continuance of the
5 Rule 16 Scheduling Conference in this Action. Specifically, Nexon requests that
6 the Rule 16 conference, currently scheduled for Wednesday, May 2, 2012, at 10:00
7 a.m, be rescheduled for Wednesday, June 6, 2012, at 10:00 a.m. This Application
8 has been consented to by defendants Douglas Crane and the one recently-served
9 defendant that has contacted Nexon (Linda Liu).

10

11 Good cause exists for the requested continuance. As set forth below, the
12 continuance will further the interests of judicial economy and efficiency, as it will
13 provide time for certain newly-served defendants to appear in the action (or,
14 alternatively, if they do not appear, for their defaults to be taken) and thus
15 participate in a Rule 26 conference and provide input into the Rule 26 report. By
16 contrast, if the Rule 16 conference takes place on the May 2 date, it is likely that
17 some defendants will not yet have appeared in the action, and they may not
18 participate in a Rule 26 conference or appear for the Rule 16 conference.
19 Accordingly, the Rule 26 report and Rule 16 conference are likely to be
20 incomplete.

21

22 By way of background, the facts underlying this Application are as follows:

23

24 1. Nexon is the owner of copyright in a computer game titled
25 “MapleStory.” This is an action arising from the distribution and sale of a variety
26 of software products (the “Hacks”) used to “hack” or alter MapleStory via two
27 interrelated websites known as “GamerSoul.com” and “Riukuzaki.com” (the
28 “Hack Websites”). The Hacks are developed, distributed and sold, and the Hack

1 Websites operated and maintained, by a network of anonymous individuals using
2 aliases such as “Bizarro,” “Yuy1258,” “Lonerboy,” “Riukuzaki,” “thePhoneGuy,”
3 and others.
4

5 2. On January 6, 2012, Nexon filed its Complaint against Ryan Cornwall
6 (a/k/a Riu Kuzaki), Ryan Griffin-Crane (a/k/a Lonerboy), Yang Yu Zhou, V.H.,
7 and certain anonymous Doe defendants, including “Bizarro” and “Alphaamar.”
8

9 3. During the months of January and February 2012, Nexon’s
10 investigation disclosed the identity of a number of additional defendants, including
11 certain defendants who had been named as Doe Defendants. Nexon specifically
12 learned that “Lonerboy” was not Ryan Griffin-Crane but in fact was his father
13 Douglas Crane. Nexon also learned that Alphaamar was an individual named
14 Amarjot Gill, located in Ontario, Canada. And, Nexon discovered numerous other
15 administrators, supervisors, and/or vendors participating in the Hack Websites,
16 including Billy Keister (a/k/a ThePhoneGuy), Colin Johnson, Linda Liu, and Derek
17 Osgood (a/k/a Jayce).
18

19 4. On March 1, 2012, Nexon filed its Amended Complaint against Ryan
20 Cornwall, Yang Yu Zhou, Douglas Crane, William Keister, Amarjot Gill, Derek
21 Osgood, Colin Johnson, Linda Liu, Jeremy Simpson, and various Doe Defendants.
22

23 5. Cornwall and Crane accepted service of the Amended Complaint on
24 or about March 3, 2012. Nexon conducted its Rule 26 conference with Cornwall
25 on March 8, 2012. During the month of March, Nexon diligently attempted to
26 locate and serve each of the other newly added defendants. The status of the
27 served defendants is as follows:

1 • **Derek Osgood** was served on March 12, 2012. Mr. Osgood
2 has not yet appeared in the action, and has not contacted Nexon.

3 • **Linda Liu** was served on March 17, 2012. An attorney
4 representing Ms. Liu, Ms. Robin Unander, contacted Nexon on March 21, 2012.
5 Nexon has been communicating with Ms. Unander concerning this action. Ms.
6 Unander has consented to this motion.

7 • **Colin Johnson** was served on March 23, 2012. Mr. Osgood
8 has not yet appeared in the action, and has not contacted Nexon.

9
10 6. There remain a few defendants that have not yet been served. Nexon
11 is attempting to locate and expeditiously serve these defendants:

12 • Nexon has made several attempts to serve William Keister at his last
13 four known addresses. Nexon believes that it has located Mr. Keister and is
14 attempting to serve him. However, Keister apparently has been evading service.
15 Nexon expects to complete service on Keister within the next week. (Or, if Keister
16 continues to evade service, Nexon will seek leave for alternative service).

17 • Nexon is obtaining Canadian addresses for Mr. Amarjot Gill and
18 Jeremy Simpson, and expects to complete service on them shortly.

19 • Nexon has reason to believe that Yang Yu Zhou (a/k/a “Yang Yu”) is
20 a resident of Chongqing, China. Defendants have been diligently attempting to
21 locate a valid address for Mr. Yu, as he does business under a variety of different
22 names and aliases. Once that address is confirmed, Nexon will commence the
23 process of serving Mr. Yu.

24

25 In light of the foregoing, Nexon believes that it is in the interests of judicial
26 economy and efficiency to continue the Rule 16 scheduling conference (and, by
27 extension, the deadline to complete the Rule 26 conference of counsel) by 30 days.

28 This will permit the recently served parties to appear in the action (or,

1 alternatively, for their default to be taken), participate in the Rule 26 conference,
2 and contribute to the Rule 26 report. It will also allow Nexon to complete service
3 on additional defendants prior to the Rule 16 conference. Thus, Nexon believes
4 that the requested continuance will result in a more productive Rule 16 conference
5 and will enable the Court and the parties to more effectively discuss the status of
6 the case and any necessary scheduling issues.

7

8 Nexon has discussed this motion with the defendant Crane, as well as with
9 counsel for Linda Liu. Both have consented to the requested continuance. Nexon
10 has advised defendant Cornwall of this request, and he has not opposed the request.
11 Nexon will give notice of any continuance to all defendants.

12

13 DATED: April 6, 2012

MITCHELL SILBERBERG & KNUPP LLP

14

15

By: /s/Marc E. Mayer _____

16

Marc E. Mayer
Attorneys for Plaintiffs

17

18

19

20

21

22

23

24

25

26

27